Clause 25

Sri. P. S. Nataraja Pillai: In clause 25 I have given an amendment for deleting the whole clause, and also other amendments to be made in the clause. I would like a ruling as to whether, if I move for the deletion of the whole clause, and I fail, I will have the right to move to amend the amendment.

Mr. Speaker: You can move both the amendments.

Sri. P. S. Nataraja Pillai: Sir, the District Magistrate functions under the ordinary Criminal Procedure Code. Under section 144 of the Code, the District Magistrate has the right to make such prohibitions as are contemplated in this clause. Then why should another power be given to him under the Police Act to prohibit public speeches. I do not see the purpose of it. We do not find a similar provision in the Madras Act. In other parts of India the right to prohibit public meetings is exercised under section 144 of the Criminal Procedure Code. When the District Magistrate acts under that section it becomes a judicial order subject to all the incidents of a judicial order. When I say judicial order and executive order, I think my friends will note the implications of it. In an executive order, the executive authority's whims and fancies will have scope and prevail. The executive may be right or wrong in exercising that right. He may be ignorant too to a certain extent of the exact conditions as they are. But if it is a judicial order, there is scope for appeal. It may be justifiable in certain circumstances to prohibit public speeches in the interests of peace and order, but that should be exercised under the provisions of the Criminal Procedure Code and not under the Police Act, when it will be removed from the incidents of a judicial order. We are now living in an age which we call a democracy. Rule by democracy means the rule by the majority. Majority is secured by words and speeches. It is propaganda that counts. How to do propaganda, Sir, without speeches? It is a rule of numbers now. In a rule of numbers, it is necessary to get the allegiance of a large number of persons to a particular ideal. How to get that allegiance—either by the platform or the Press. And therefore if the right of speech is to be restricted and subjected to the whims and fancies of the executive, then, Sir, it will be undermining the foundations of democracy. We have the Criminal Procedure Code to curtail and control irresponsible methods of using the public platform. That illegitimate right can be curtailed under a lawful law. This provision I would call a lawless law.

The Code of Civil Procedure (Amendment) Bill

Mr. Speaker: I have to make a statement now.

Code of Civil Procedure (Travancore-Cochin) Amendment ബില്ലിൻമേ ലെക്ക് കമ്മിറ്റി റിപ്പോർട്ട് എക്സ്ട്രാ മാർഡിനറി സമ്മേളന പ്രസിദ്ധപ്പെടുത്തിയതു് ഇന്ന ബഹുമാനപ്പെട്ട മെമ്പറന്മാർക്ക് അയയ്ക്കാൻ ഏർപ്പാടു് ചെയ്തിട്ടുണ്ടു്. കമ്മിറ്റി യാതൊരു ഭേദഗതിയും വരുത്തിയിട്ടില്ല. റിപ്പോർട്ട് 12-ാം തീയതി തിങ്കളാഴ്ച അവതരിപ്പിക്കുന്നതാണു്. ഭേദഗതികൾ ഫാജരാക്കണമെന്നാഗ്രഹിക്കുന്നവർ അവയ്ക്കുള്ള നോട്ടീസ് തിങ്കളാഴ്ച കാലത്തു 10 മണി മുമ്പു സെക്രട്ടറിയെ ഏല്പിക്കേണ്ടതാണു്.

സഭ ഇപ്പോൾ പിരിയുന്നതും തിങ്കളാഴ്ച കാലത്തു 11 മണിക്കു വീണ്ടും കൂടുന്നതുമാണു്.

The Assembly adjourned at 4-30 p.m. to meet again at 11 a.m. on Monday, the 24th September, 1951.

V. KRISHNAMOORTHI,
Secretary to the Legislative Assembly

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